



ICRC No.: HOha15080598
[REDACTED]

AKIA A. HAYNES, in her official capacity as
DEPUTY DIRECTOR of the
INDIANA CIVIL RIGHTS COMMISSION,
Complainant,

v.

FARMINGTON MEADOWS ASSOCIATION, INC.
Respondent.

NOTICE OF FINDING and
ISSUANCE OF CHARGE

The Deputy Director of the Indiana Civil Rights Commission (“Commission,”) pursuant to statutory authority and procedural regulations, hereby issues the following finding with respect to the above-referenced case. Reasonable cause exists to believe that an unlawful discriminatory practice occurred in this instance. A Charge is therefore issued in accordance with 910 IAC 2-6-6(b).

On August 18, 2015, [REDACTED] (“Complainant”) filed a Complaint with the Commission against Farmington Meadows Association, Inc. (“Respondent”) alleging discrimination on the basis of disability in violation of the Indiana Fair Housing Act (Ind. Code § 22-9.5, *et seq.*) the Indiana Civil Rights Law (Ind. Code § 22-9, *et seq.*) and Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601, *et seq.*) The Commission, therefore, has jurisdiction over the parties and the subject matter of this Complaint. An investigation has been completed. All parties have been interviewed and have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue before the Commission is whether Respondent denied Complainant’s request for a reasonable accommodation. In order to prevail, Complainant must show that: 1) she has a disability as defined under the law; 2) Respondent was or should have been aware of Complainant’s disability; 3) she requested a reasonable accommodation necessary to afford her an opportunity to use and enjoy the premises; and 4) Respondent unreasonably denied or delayed the requested accommodation. It is evident that Complainant is a member of a



protected class by virtue of her disability and that Respondent was or should have been aware that she had a disability as alleged. Moreover, evidence shows that Complainant requested a reasonable accommodation necessary to afford her the opportunity to enjoy her housing; however, Respondent unreasonably denied Complainant's request.

A public hearing is necessary to determine whether a violation of the Indiana Fair Housing Act, the Indiana Civil Rights Law, and/or Title VIII of the Civil Rights Act of 1968, as amended, occurred in the aforementioned case. As permitted by 910 IAC 2-6-6(h), Respondent, Complainant, or another aggrieved person on whose behalf the Complaint is filed may elect to have the claims asserted in a civil action under Ind. Code § 22-9.5-6-12 in lieu of an administrative proceeding under 910 IAC 2-7. In the event the parties seek to pursue such an election, it must be made not later than twenty (20) days after the receipt of service of this Notice of Finding and Charge. The notice of any such election must be filed with the Commission and served on the Director, the Respondent, and Complainant in accordance with 910 IAC 2-6-6. If such an election is not timely made, the administrative proceedings initiated by the Charge will continue as scheduled. 910 IAC 2-6-6. Moreover, Respondents shall have an opportunity to file an answer to this charge within thirty (30) days of service of this Charge. [REDACTED] and any other person aggrieved by this alleged discriminatory practice may participate as a party in the hearing by filing a request for intervention. All discovery in this matter must be completed fifteen (15) days prior to the date of hearing. If, at any time following service of this charge, Respondents intend to enter into a contract, sale, encumbrance, or lease with any person regarding the property that is the subject of this charge, Respondent must provide a copy of this charge to the person prior to entering into such contract, sale, encumbrance or lease. 910 IAC 2-7-4(e)(3).

January 21, 2016

Date

Akia A. Haynes, Esq.
Deputy Director
Indiana Civil Rights Commission

